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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,021	07/25/2003	Raymond W. Howard	Lucky Line. 1524	3685
7590 08/31/2005			EXAMINER	
Hani Z Sayed, Gordon & Rees LLP			OLSON, LARS A	
101 West Broadway			ART UNIT	
Suite 1600			PAPER NUMBER	
San Diego, CA 92101			3617	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,021

Applicant(s)

HOWARD, RAYMOND W.

Examiner

Lars A. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An amendment was received from the applicant on July 19, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamp (US 3,589,155) in view of Song (US 5,617,751) and Callahan (US 4,235,459).

Kamp discloses a key tag, as shown in Figures 1-9, that is comprised of a single piece plastic tag or retainer portion, defined as Part #2, with a first side and a second side, said first and second sides being configured to accommodate a label, defined as Part #18, and an opening, defined as Part #3, within a wire loop, defined as Part #1, that is located between said first and second sides for accommodating a key ring.

Kamp, as set forth above, discloses all of the features claimed except for the use of metal key tag with one or more integrally formed openings for accommodating a key ring, and a pre-formatted label card with a plurality of removable labels.

Song discloses a key tag, as shown in Figures 5a-6b, that includes a retainer portion, defined as Part #60, that is made of either plastic or metal, and has an opening,

defined as Part #62 in Figures 6a-b, that is integrally formed with said retainer portion between a first side and a second side of said retainer portion for accommodating a key ring, defined as Part #10, as described in lines 51-53 of column 4.

Callahan discloses a marking system, as shown in Figures 1-4, that is comprised of a pre-formatted label sheet or card, defined as Part #10, with a plurality of labels, defined as Part #12, provided thereon, said labels being provided as a system for marking objects such as keys, as described in lines 26-33 of column 1, where said labels are affixed to an object by means of an adhesive.

The use of a key tag with a plurality of openings for attaching a plurality of key rings to said key tag would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing attachment means for multiple key rings instead of a single key ring.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a metal key tag with one or more integrally formed openings for accommodating a key ring, as taught by Song, and a pre-formatted label card with a plurality of adhesive labels thereon, as taught by Callahan, in combination with the key tag and labels as disclosed by Kamp for the purpose of providing a medium for distributing a plurality of adhesive labels for use as markers on key tags.

4. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamp in view of Song, and further in view of Miller (US 6,244,763).

Kamp further discloses a method for labeling a key tag, as shown in Figures 1-9, that is comprised of the steps of providing a key tag, defined as Part #2, with first and

second sides and an opening for accommodating a key ring, providing a label, defined as Part #18, for identifying a key, and providing an indentation on at least one side of said key tag for receiving said label, as shown in Figure 7.

Kamp in combination with the teachings of Song shows all of the features claimed except for the use of a downloadable program for preparing and printing labels.

Miller discloses a PC postage label sheet, defined as Part #10, as shown in Figures 1-3, and a method for printing labels, as shown in Figure 4A, by means of downloadable software, as described in lines 50-63, and information that can be downloaded from the internet, defined as Part #84, on a computer, defined as Part #80, and a computer printer, defined as Part #82. Custom labels can be created and printed on said label sheet, as shown in Figure 5, utilizing said software and said printer, and then affixed to an object using an adhesive on the back of said label.

The use of a key tag with a plurality of openings for attaching a plurality of key rings to said key tag would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing attachment means for multiple key rings instead of a single key ring.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a downloadable program for printing labels on a label sheet with a computer and printer, as taught by Miller, in combination with the key tag and labels as disclosed by Kamp and the teachings of Song for the purpose of providing a means and method for producing custom formatted labels on a label sheet for marking key tags using computer software and a printer.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamp in view of Song and Callahan, and further in view of Miller.

Kamp in combination with the teachings of Song and Callahan shows all of the features claimed except for the use of pre-formatted labels that are printed using information that is downloaded from a website.

The use of a key tag with a plurality of openings for attaching a plurality of key rings to said key tag would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing attachment means for a plurality of key rings instead of a single key ring.

Miller, as previously cited, discloses a PC postage label sheet, defined as Part #10, as shown in Figures 1-3, and a method for printing labels, as shown in Figure 4A, by means of downloadable software, as described in lines 50-63, and information that can be downloaded from the internet, defined as Part #84, on a computer, defined as Part #80, and a computer printer, defined as Part #82. Custom labels can be created and printed on said label sheet, as shown in Figure 5, utilizing said software and said printer, and then affixed to an object using an adhesive on the back of said label.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize downloadable information for printing labels on a label sheet with a computer and printer, as taught by Miller, in combination with the key tag and labels as disclosed by Kamp and the teachings of Song and Callahan for the

purpose of providing a means for producing custom formatted labels on a label sheet for marking key tags using downloadable software and a printer.

Response to Arguments

6. Applicant's arguments filed on July 19, 2005 regarding claims 1-19 have been fully considered but they are not persuasive.

7. The applicant argues that there is no motivation to combine the key tag as disclosed by Kamp (US 3,589,155) with the teachings of Song (US 5,617,751) and Callahan (US 4,235,459) in order to produce a key tag with the features claimed. The applicant also argues that there is no motivation to combine the key tag as disclosed by Kamp with the teachings of Song and Miller (US 6,244,763) in order to produce a key tag with the features claimed. The applicant further argues that there is no motivation to combine the key tag as disclosed by Kamp with the teachings of Song, Callahan and Miller in order to produce a key tag with the features claimed.

8. In response to the applicant's first argument, Kamp discloses a key tag that is comprised of a single piece plastic retainer portion with first and second sides that are configured to accommodate a label, and an opening within a wire loop that is located between said first and second sides for accommodating a key ring. Song discloses a key tag with a plastic retainer portion that has an opening that is integrally formed on said retainer portion between first and second sides of said retainer portion. Callahan discloses a pre-formatted label card with a plurality of labels, where said labels are provided as a system for marking objects by being affixed to an object by means of an

adhesive. Thus, there is sufficient motivation to replace the wire loop provided on the key tag as disclosed by Kamp with the integrally formed loop with an opening on the key tag as disclosed by Song in order to produce a key tag made from a single piece of plastic that includes an integrally formed key ring. There is also sufficient motivation to combine the pre-formatted labels as disclosed by Callahan for the specific purpose of marking objects such as keys with the key tag having a retainer portion that is configured to accommodate a label on first and second sides as disclosed by Kamp in order to provide a key tag with a pre-formatted means for marking said key tag with a label. Therefore, the rejection of claims 1-5 and 7 is deemed proper and is not withdrawn.

9. In response to the applicant's second argument, Miller discloses a label sheet and a method for printing labels by means of software on a computer and a printer. As stated above, there is sufficient motivation to replace the wire loop provided on the key tag as disclosed by Kamp with the integrally formed loop with an opening on the key tag as disclosed by Song in order to produce a key tag made from a single piece of plastic that includes an integrally formed key ring. There is also sufficient motivation to combine the label sheet as disclosed by Miller with the key tag as disclosed by Kamp for the purpose of providing said key tag with a pre-formatted means for marking said key tag with a label that can be produced with a computer and printer. Therefore, the rejection of claims 9-19 is deemed proper and is not withdrawn.

10. In response to the applicant's third argument, Miller discloses a label sheet and a method for printing labels by means of software on a computer and a printer. As stated

above, there is sufficient motivation to replace the wire loop provided on the key tag as disclosed by Kamp with the integrally formed loop with an opening on the key tag as disclosed by Song in order to produce a key tag made from a single piece of plastic that includes an integrally formed key ring. There is also sufficient motivation to combine the pre-formatted labels as disclosed by Callahan with the key tag having a retainer portion that is configured to accommodate a label on first and second sides as disclosed by Kamp in order to provide a key tag with a pre-formatted means for marking said key tag with a label. And there is also sufficient motivation to combine the label sheet as disclosed by Miller with the key tag as disclosed by Kamp for the purpose of providing said key tag with a pre-formatted means for marking said key tag with a label that can be produced with a computer and printer. Therefore, the rejection of claims 6 and 8 is deemed proper and is not withdrawn.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

August 24, 2005

LARS A. OLSON
PRIMARY EXAMINER

Lars Olson
8/24/05